

CHAPTER 13
CAMPAIGN REPORTS AND FINANCES

SUBCHAPTER I
GENERAL PROVISIONS

21A § 1001. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Commission. "Commission" means the Commission on Governmental Ethics and Election Practices established under Title 1, section 1002.

2. Election. "Election" means any primary, general or special election for state, county or municipal offices as defined in Title 30-A, section 2502, subsection 1.

3. Person. "Person" means an individual, committee, firm, partnership, corporation, association, group or organization.

21A § 1002. Meetings of commission

The Commission shall meet in Augusta for the purposes of this chapter at least once per month in any year in which primary and general elections are held and every 2 weeks in the 60 days preceding an election. In the 28 days preceding an election, the Commission shall meet in Augusta within one calendar day of the filing of any complaint or question with the Commission. Agenda items in the 28 days preceding an election must be decided within 24 hours of the filing unless all parties involved agree otherwise. Meetings may be held over the telephone if necessary, as long as the Commission office remains open for attendance by complainants, witnesses and other members of the public. Notwithstanding Title 1, chapter 13, telephone meetings of the Commission are permitted only during the 28 days prior to an election when the Commission is required to meet within 24 hours of the filing of any complaint or question with the Commission. The Commission office must be open with adequate staff resources available to respond to inquiries and receive complaints from 8 a.m. until at least 5:30 p.m. on the Saturday, Sunday and Monday immediately preceding an election and from 8 a.m. until at least 8 p.m. on election day. The Commission shall meet at other times on the call of the Secretary of State, the Speaker of the House, the President of the Senate, the chair or a majority of the members of the Commission, as long as all members are notified of the time, place and purpose of the meeting at least 24 hours in advance.

21A § 1003. Investigations by commission

1. Investigations. The Commission may undertake audits and investigations to determine the facts concerning the registration of a candidate, treasurer, political committee or political action committee and contributions by or to and expenditures by a person, candidate, treasurer, political committee or political action committee. For this purpose, the Commission may subpoena witnesses and records and take evidence under oath. A person or political action committee that fails to obey the lawful subpoena of the Commission or to testify before it under oath must be punished by the Superior Court for contempt upon application by the Attorney General on behalf of the Commission.

2. Investigations requested. A person may apply in writing to the Commission requesting an investigation concerning the registration of a candidate, treasurer, political committee or political action committee and contributions by or to and expenditures by a person, candidate, treasurer, political committee or political action committee. The Commission shall review the application and shall make the investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.

2-A. Confidentiality. (REPEALED)

3. State Auditor. The State Auditor shall assist the Commission in making investigations and in other phases of the Commission's duties under this chapter, as requested by the Commission, and has all necessary powers to carry out these responsibilities.

4. Attorney General. Upon the request of the Commission, the Attorney General shall aid in any investigation, provide advice, examine any witnesses before the Commission or otherwise assist the Commission in the performance of its duties. The Commission shall refer any apparent violations of this chapter to the Attorney General for prosecution.

21A § 1004. Violations

The violation of any of the following subsections is a Class E crime.

1. Contributions and expenditures. A person, candidate, treasurer, political committee or political action committee may not knowingly make or accept any contribution or make any expenditure in violation of this chapter.

2. False statements. No person, candidate, treasurer or political action committee may make a false statement in any report required by this chapter.

3. Contributions in another's name. No person may make a contribution in the name of another person or knowingly permit his name to be used to accomplish such a contribution, and no person may knowingly accept a contribution made by one person in the name of another person.

4. Registration; political action committees. No political action committee required to be registered under section 1053 may operate in this State unless it is so registered.

21-A § 1004-A. Penalties

The Commission may assess the following penalties in addition to the other monetary sanctions authorized in this chapter.

1. Late campaign finance report. A person that files a late campaign finance report containing no contributions or expenditures may be assessed a penalty of no more than \$100.

2. Contribution in excess of limitations. A person that accepts or makes a contribution that exceeds the limitations set out in section 1015, subsections 1 and 2 may be assessed a penalty of no more than the amount by which the contribution exceeded the limitation.

3. Contribution in name of another person. A person that makes a contribution in the name of another person, or that knowingly accepts a contribution made by one person in the name of another person, may be assessed a penalty not to exceed \$5,000.

4. Substantial misreporting. A person that files a campaign finance report that substantially misreports contributions, expenditures or other campaign activity may be assessed a penalty not to exceed \$5,000.

5. Material false statements. A person that makes a material false statement or that makes a statement that includes a material misrepresentation in a document that is required to be submitted to the Commission, or that is submitted in response to a request by the Commission, may be assessed a penalty not to exceed \$5,000.

When the Commission has reason to believe that a violation has occurred, the Commission shall provide written notice to the candidate, political action committee, committee treasurer or other respondent and shall afford them an opportunity to appear before the Commission before assessing any penalty. In determining any penalty under subsections 3, 4 and 5, the Commission shall consider, among other things, the level of intent to mislead, the penalty necessary to deter similar misconduct in the future and the harm suffered by the public from the incorrect disclosure.